

Application No. 10/041,705

REMARKS

Claims 1-3, 11, 15-16, 23-26, 34-37 and 45-47 are pending. By this Amendment, claims 9-10, 13-14, 17-22, 27-33 and 43 are cancelled, claims 1, 15, 24 and 35 are amended and new claims 45-47 are added. No new matter has been added.

Confirmation of Election

Confirmation is hereby made of the election during the telephone conversation of March 29, 2004 of prosecution of Group 2, species 4. Upon receiving an indication of allowable subject matter, the Applicants will confirm proper inventorship of the allowable claims.

Section 102 Rejection

Claims 1, 11, 15, 24, 34 and 35 stand rejected as anticipated by Cushman. This rejection is respectfully traversed.

In light of the amendments to the independent claims incorporating the limitations with respect to the ridge portion that were the subject of now cancelled dependent claims 9, 22, 32 and 43, the anticipation of the claims can no longer be met by Cushman.

Section 103 Rejection

Claims 1-3, 9, 11, 15, 16, 22-26, 32, 34-37 and 43 stand rejected as obvious over March in view of Nash et al. This rejection is respectfully traversed.

With the amendments to independent claims 1, 11, 15, 24, and 35, it is respectfully submitted that the suggested combination of March and Nash does not meet the invention as presently claimed.

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In terms of the two ridges (20) disclosed by March, these structures do not meet the specific limitations of the ridge portion as presently claimed.

Even if March did teach ridge structures, it is respectfully submitted that there is no motivation to combine March with Nash. March specifically attempts to achieve a reusable clip. Clearly, the bioresorbable fastener as required by the claims of the present invention cannot be reusable. Therefore, it is respectfully submitted that a person skilled in the art, for the reasons discussed in the background section of the application, would not look to the teachings of metal, reusable clips in seeking solutions for a bioresorbable clip. As such, and contrary to the suggestion in the Office Action, there would be no motivation to combine March with the bioabsorbable clip of Nash.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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